

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference RH/P110358WO	<b>FOR FURTHER ACTION</b> See item 4 below	
International application No. PCT/GB2005/002609	International filing date ( <i>day/month/year</i> ) 05 July 2005 (05.07.2005)	Priority date ( <i>day/month/year</i> ) 05 July 2004 (05.07.2004)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant N. G. BAILEY & COMPANY LIMITED		

International preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

REPORT consists of a total of 6 sheets, including this cover sheet.

On the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

Report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland		Date of issuance of this report 09 January 2007 (09.01.2007)
Facsimile No. +41 22 338 82 70		Authorized officer  Dorothee Mülhausen
Form PCT/IB/373 (January 2004)		e-mail: pt01@wipo.int

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

## PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/GB2005/002609

International filing date (day/month/year)  
05.07.2005

Priority date (day/month/year)  
05.07.2004

International Patent Classification (IPC) or both national classification and IPC  
INV. F16B7/04 A47B47/00

Applicant  
N. G. BAILEY & COMPANY LIMITED

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA:



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D-80298 Munich  
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Date of completion of  
this opinion

see form  
PCT/ISA/210

Authorized Officer

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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/GB2005/002609

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed
  - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ on paper
    - ☐ in electronic form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in electronic form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/GB2005/002609

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	1-43
	No: Claims	
Inventive step (IS)	Yes: Claims	1-43
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-43
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**Re Item VIII.**

1. **Claims 39-43** contain references to the description and the drawings. According to Rule 6.2(a) PCT, claims should not contain such references except where absolutely necessary, which is not the case here.

As a result, the subject-matter of these claims is not clearly defined, such that the requirements of Article 6 PCT are not met.

**Re Item V.**

2. Reference is made to the following document:  
D1 : US 4 714 370 A (CHEN ET AL) 22 December 1987 (1987-12-22)

3. NOVELTY AND INVENTIVE STEP

- 3.1 D1, which is considered to represent the most relevant state of the art, discloses (cf. col. 2, l. 32-47; Fig. 2; the references in parentheses applying to this document):
  - A bracket suitable for engaging one or more struts,
  - comprising a body portion ("body 2") and one or more arm portions extending from the body portion ("shaft arms 22").

From this, the subject-matter of independent **claim 1** differs in that the arm portions include:

- At least one pair of parallel grooves adapted to releaseably engage complementary lips of the strut;
- and at least one recessed region adapted to securely engage one or more crimped portions of the strut.

The subject-matter of claim 1 is therefore **novel** (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as facilitate mounting of the struts, cf. the description on p. 6, l. 23-31.

The solution to this problem proposed in claim 1 of the present application is

considered as involving an **inventive step** (Article 33(3) PCT) since none of the documents cited in the search report describe such a solution, in particular such a recessed region.

- 3.2 As a further result, the corresponding method **claims 22 and 36** are also considered as novel and as involving an inventive step.
- 3.3 **Claims 2-21, 23-35 and 37-43** are dependent on claim 1, 22 and 36, respectively, and as such also meet the requirements of the PCT with respect to novelty and inventive step.

4. FURTHER OBJECTIONS

- 4.1 Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate.
- 4.2 The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).